

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

STEPHANIE CAMPBELL,

Plaintiff,

v.

THE NEW YORK TIMES COMPANY,

Defendant.

Civil Action No. 4:19-cv-406

COMPLAINT

COMES NOW PLAINTIFF, Stephanie Campbell (“Campbell”), for its Complaint against The New York Times Company (“NYT”) and alleges as follows:

JURISDICTION AND VENUE

1. Stephanie Campbell is a Missouri resident.
2. Defendant NYT is a publicly traded company listed on the New York Stock Exchange under the symbol NYT.
3. This Complaint includes an action for copyright infringement under 17 U.S.C. § 501 *et seq.*
4. This court has jurisdiction over the subject matter of the complaint pursuant to 28 U.S.C § 1338(a) because this is a civil action arising under an Act of Congress relating to copyrights.
5. Upon information and belief, this court has personal jurisdiction over Defendant because of its substantial and continuous business contacts with the state of Missouri through its widespread circulation in Missouri and stories specifically targeting the state of Missouri and

Missouri residents, and because the acts giving rise to this Complaint have occurred as a result of such contact with the state of Missouri.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391 & 1400 because all Defendants conduct business within the judicial district and acts giving rise to this Complaint are believed to have occurred within this judicial district.

FACTUAL BACKGROUND

Stephanie Campbell

7. Campbell is an experienced, professional photographer.

8. Campbell has played football for the Kansas City women's professional tackle football team.

9. Katie Sowers, an individual who recently gained national notoriety for becoming the NFL's first openly gay, and second full-time woman coach, also played football for Kansas City's women's professional tackle football team.

10. Campbell was awarded credentials to be on the field and take pictures during a Kansas City Chiefs vs. San Francisco 49ers football game on August 11, 2017 (the "Game").

11. Going into the Game, Campbell's friend Sowers worked as an intern coach for the 49ers.

12. On the day of the Game, Sowers learned from the 49ers coaching staff that she would be making history as the NFL's first openly gay, and second full-time woman coach.

13. With the unique combination of being a credentialed, professional photographer at the Game, who also played for Katie Sowers' team, Ms. Campbell was afforded unparalleled access to photograph her friend Sowers at the moment she learned about her groundbreaking hire.

14. Consequently, Ms. Campbell was able to capture high quality, close-up

photographs of Sowers' reaction to the news and subsequent action shots of Sowers coaching.

15. Among the numerous photographs taken by Ms. Campbell is the following photograph ("Sowers Photograph"):



16. Ms. Campbell owns the exclusive rights to the Sowers Photograph which is registered with the US Copyright Office, Reg. No. VA 2-073-437, which is attached.

Defendant

17. Defendant NYT is an American mass media company which publishes its namesake newspaper, The New York Times.

18. The New York Times is widely circulated throughout the United States.

19. The New York times has over 4 million total subscribers, including in print and digital publications.

20. Upon information and belief, numerous Missouri residents subscribe to The New York Times.

21. NYT maintains a website for its newspaper (the "Website") from which it receives advertising and subscription revenue.

22. NYT maintains a section on its Website which is specifically directed toward Missouri news and targeted at Missouri residents, and NYT receives advertising revenue from this section.

23. Specifically, the “Missouri” page on the Website contains “News about Missouri, including commentary and archival articles published in The New York Times.”

Defendant’s Infringement

24. Defendant’s infringement arose from the operation of its Website.

25. Ms. Campbell did not give Defendant permission to use the Sowers Photograph or any of her other photographs in anyway.

26. Nonetheless, Defendant’s used the Sowers Photograph on an article on the Website (the “Article”).

27. The Article was entitled “49ers first woman coach turns internship into full-time job”

28. The Article was posted on or about August 14, 2017.

29. The Sowers Photograph was reproduced near the top of the Article, directly underneath the title.

30. The Article was viewable by anyone in the United States with internet access, including individuals and subscribers residing in Missouri.

31. Defendant did not have a license or any permission to use the Sowers Photograph on the Website.

COUNT 1 - COPYRIGHT INFRINGEMENT

(17 U.S.C. § 501)

32. Campbell incorporates by reference the allegations of each of the above paragraphs as if fully set forth herein.

33. Campbell has a copyright registration for the Sowers Photograph.

34. Defendants infringed Campbell’s copyright through the unlawful display, reproduction, distribution, and creation of a derivative works of the Sowers Photograph via its Website.

35. As a result of Defendant's infringement, Campbell is entitled to damages in an amount to be proven at trial.

36. Campbell is also entitled to any profits attributable to their infringement.

37. Campbell is also entitled to her attorneys' fees and full costs.

PRAYER FOR RELIEF

WHEREFORE, Campbell demands a judgment against Defendant and prays that this Court will:

- a. Under 17 U.S.C. § 502, grant temporary and final injunctions on such terms as it deems reasonable to prevent or restrain infringement of Campbell's copyrights.
- b. Under 17 U.S.C. § 503, order the impounding and ultimately destruction, on such terms as it may deem reasonable, of any records or material involved in Defendants' copyright infringement, including any unauthorized reproductions of the work.
- c. Under 17 U.S.C. § 504, award Campbell's actual damages and any additional profits of Defendants; or, if at any time before final judgment is rendered she so elects, award Campbell statutory damages,
- d. Under 17 U.S.C. § 505, award costs to Campbell;
- e. As the prevailing party in a Copyright lawsuit, award to Campbell reasonable attorney's fees.

DESIGNATION OF PLACE OF TRIAL

Campbell hereby designates Kansas City, Missouri as the place of trial of the above-styled matter.

REQUEST FOR JURY TRIAL

Campbell hereby requests trial by jury of the above-styled matter.

Respectfully submitted,

By: /s/Arthur K. Shaffer

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